

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-46 are currently pending. Claims 1, 23, 25, 26, 28, and 29 have been amended; and Claim 46 has been added by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-4, 8-21, 23-28, and 32-44 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,151,492 to Farris et al. (hereinafter "the '492 patent"); Claims 5-7 and 29-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '491 patent in view of U.S. Patent No. 4,910,765 to Matsuse et al. (hereinafter "the '765 patent"); and Claims 22 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '491 patent in view of U.S. Patent No. 6,151,497 to Yee et al. (hereinafter "the '497 patent").

Applicants wish to thank the Examiner for the interview granted Applicants' representative on September 21, 2004, at which time the outstanding rejection of the claims was discussed. In particular, the teachings of the '492 patent with regard to the claimed transmission criteria were discussed. However, no agreement was reached pending the Examiner's further consideration of the claims upon formal submission of a response to the outstanding Office Action.

Amended Claim 1 is directed to a method for broadcasting addressed data to a plurality of users, comprising: (1) providing at least one information database that includes data to be transmitted through a broadcast channel; (2) storing transmission criteria, wherein the transmission criteria include an address of a user or user group, as well as an indication of the data from the information data base to be transmitted to the user or user group; (3) selecting at least one broadcasting channel, through which the selected data are to be

transmitted, from among different broadcasting channels, and storing information of the at least one broadcasting channel with the transmission criteria; and (4) automatically selecting the data to be transmitted according to the stored transmission criteria. Further, Claim 1 recites that (1) the stored data are obtained from a plurality of external information suppliers; and (2) the automatically selected data are transmitted through the broadcasting channel to the user or the user group.

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(e), the '491 patent is directed to a mobile voice message/electronic mail system in which requested audio data is obtained and transmitted to a user having a mobile communication device. In particular, as described in columns 17 and 18 of the '491 patent, the system of the '491 patent operates as follows: the user activates an MAPOD device, which initiates a cellular call to a server gateway speech recognition unit, which in turn provides the user with an audio menu, e.g., a music library. Further, the '491 patent discloses that the user makes a selection "by speaking the desired item," after which the gateway application prompts a server to provide the requested programming, which is then transmitted to the user through the MAPOD device. However, Applicants respectfully submit that the '491 patent fails to disclose (1) storing transmission criteria that includes an address of a user, an indication of the data from an information database to be transmitted to the user, and information of at least one broadcasting channel through which the selected data are to be transmitted; and (2) automatically selecting the data to be transmitted according to the stored transmission criteria, as recited in Claim 1. Rather, the '491 patent discloses that a user must initiate a request for data transmission from a server. Further, Applicants respectfully submit that the '491 patent fails to disclose selecting at least one broadcasting channel, through which the selected data are to be transmitted, from among different broadcasting channels, and storing information of the at least one broadcasting channel with the transmission criteria.

Accordingly, Applicants respectfully traverse the rejection of Claim 1 (and dependent Claims 2-4 and 8-21) as anticipated by the '491 patent.

Claim 23 recites limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully traverse the rejection of Claim 23 (and dependent Claims 24-28 and 32-44) as anticipated by the '491 patent.

Regarding the rejection of dependent Claims 5-7, 22, 29-31, and 45 under 35 U.S.C. § 103, Applicants respectfully submit that the '765 and '497 patents fail to remedy the deficiencies of the '491 patent, as discussed above. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of the above-noted dependent claims should be withdrawn.

The present amendment also sets forth new Claim 46 for examination on the merits. Claim 46 recites that the automatically selecting step is not performed in response to a request from the user or the user group. Claim 46 is supported by the originally filed specification and does not add new matter.¹ Moreover, Applicants respectfully submit that new Claim 46 patentably defines over any proper combination of the '491, '765, and '497 patents.

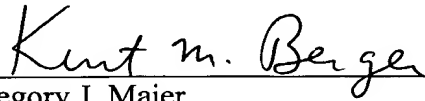
Thus, it is respectfully submitted that independent Claims 1 and 23 (and all associated dependent claims) patentably define over any proper combination of the '491, '765, and '497 patents.

¹ See, e.g., page 4 of the specification.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599
Kurt M. Berger, Ph.D.
Registration No. 51,461

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
GJM/KMB/law

I:\ATTY\KMB\236'S\236100\236100US-AF.DOC